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TOP STORY

State sues Rochester for illegal electronics storage, disposal

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Crushed glass from Sioux City electronic waste recycling company Recycletronics is stored at a site on G Street in South Sioux City in this February 2017 file photo. The Iowa Attorney General's Office on Monday filed a lawsuit against owner Aaron Rochester for civil penalties and repayment of a loan.

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Jim Lee, Sioux City Journal file

SIOUX CITY | The Iowa Attorney General's Office has filed suit against former Sioux City Councilman Aaron Rochester, claiming he and his former electronic waste recycling companies collected

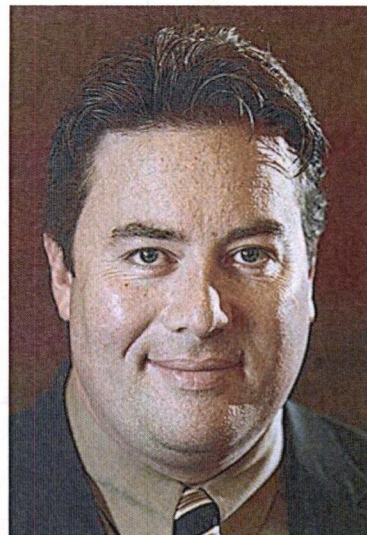
waste disposal fees for years and illegally stored and disposed of millions of pounds of electronics components and hazardous waste.

The lawsuit, filed Monday in Woodbury County District Court, also seeks \$75,290 the state says Rochester owes for a 2011 loan granted through a state program to buy equipment for Recycletronics -- Disabled Vets at Work, one of several defunct electronic waste recycling businesses. The lawsuit also alleges that from 2013 to 2016, Recycletronics submitted false disposal reports to the state.

More than 17 million pounds of waste, including crushed cathode ray tubes and other electronic components that may contain lead, mercury and other toxic materials, are stored at numerous facilities, some of them unlicensed, in Iowa and Nebraska. Cleanup of the Iowa sites alone could cost an estimated \$1.5 million, according to a news release from Attorney General Tom Miller.

The lawsuit seeks an unspecified amount of civil penalties against Rochester and a permanent injunction to keep Rochester, The Name Ministries, Siouxland P.C. and Recycletronics from committing further violations. The Attorney General's Office also seeks a court order requiring Rochester to clean up and properly dispose of all solid waste in compliance with Iowa laws.

Rochester, a former city environmental advisory board member, said Monday he was unaware that the lawsuit had been filed. He said it was no



Rochester

MORE INFORMATION



Case involving former Sioux City councilman's former business referred to AG

- Ex-Sioux City councilman and his electronics recycling firm face state hearing
- Regulators probe Sioux City electronics recycling firm owned by ex-councilman

surprise that the state would seek civil penalties and repayment of the loan, but he was surprised that the state filed a lawsuit to do so.

"I just don't understand why they needed to file a lawsuit when I've been so willing to work with them," Rochester said.

Rochester said he anticipated cleanup to begin at a storage site near Akron, Iowa, in March in compliance with a recent agreement reached with the U.S. Environmental Protection Agency.

"I've already worked with the EPA on how we're going to do this," he said.

In a consent agreement filed with the EPA on Nov. 29, Rochester agreed to clean up six sites beginning with the Akron site, post warning signs at all facilities and secure them, annually ship at least three semi-truck loads of used or broken cathode ray tubes and/or containers of leaded glass to an EPA-approved treatment, storage and disposal facility and provide documentation of shipments.

The DNR in March denied renewal of Recycletronics' cathode ray tube recycling permit because of repeated non-compliance with state and federal regulations and ordered him to close the facility. Among the violations the DNR cited were improper outdoor storage of piles of broken leaded and unleaded glass and electronics, lack of documentation of removal or disposal of components containing mercury, stockpiling of

materials and no record keeping of shipments of materials into or out of the facility at 1220 Steuben St.

In addition to the stockpiles of waste and materials at the Steuben Street location, state and federal officials have investigated Recycletronics' unauthorized storage of materials at six other locations, including the Scandanavian Building at 1801-03 Fourth St., 3035 Highway 75 North, and 1313 11th St., all in Sioux City; a storage site at 16998 160th St. near Akron; 2301 G St. in South Sioux City, where an estimated 2.2 million pounds of broken glass is stored on a concrete pad; and another South Sioux City site at Foundry Road near G Street, where broken glass has been stored in piles and may have been burned and buried.

After revoking Recycletronics' permit in March, the DNR ordered Recycletronics not to accept additional waste, but evidence shows that it received more waste in June, the lawsuit said.

In August, at the request of the DNR, the state's Environmental Protection Commission referred the case to the Iowa Attorney General's Office, which is capable of seeking harsher punishments than the state agency.

A corporation that owns the South Sioux City property on which the glass is stored had sued Rochester in Dakota County for breach of contract for violating lease agreements, but those lawsuits have been dismissed.